In the Supreme Court of the United States

OCTOBER TERM, 1947

No. 511

VINCENT BRUNO, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE NINTH CIRCUIT

MEMORANDUM FOR THE UNITED STATES

The judgment of the circuit court of appeals affirming petitioner's conviction was entered on December 3, 1947 (R. 95). No petition for rehearing was filed in the circuit court of appeals, nor did this Court or any justice thereof extend the time for filing a petition for a writ of certiorari. The petition for a writ of certiorari was not filed until January 3, 1948, more than thirty calendar days after the entry of the order of the circuit court of appeals affirming the conviction. The petition is, therefore, out of time under Rules 37 (b) (2) and 45 (a) of the Federal Rules of

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Criminal Procedure and should be denied for want of jurisdiction.

Respectfully submitted.

PHILIP B. PERLMAN,
Solicitor General.

JANUARY 1948.

U. S. GOVERNMENT PRINTING OFFICE: 1948